

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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Agnes Herceg, on behalf of herself and all others	:	
similarly situated,	:	Case No. 7:22-cv-05137-KMK
	:	
Plaintiff,	:	
	:	Hon. Kenneth M. Karas
-against-	:	
	:	
Chobani, LLC,	:	<b>NOTICE OF MOTION AND</b>
	:	<b>MOTION TO DISMISS FIRST</b>
Defendant.	:	<b>AMENDED COMPLAINT</b>
	:	
	:	

PLEASE TAKE NOTICE that Defendant Chobani, LLC (“Chobani”) will and hereby does move the Court to dismiss the First Amended Complaint for failure to state a claim against Chobani pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. This motion is based on this Notice of Motion and Motion, the supporting Memorandum, and any other written and oral argument that may be presented to the Court.

Dated: New York, New York  
January 10, 2024

MORRISON & FOERSTER LLP

By: /s/ Jamie A. Levitt

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on January 10, 2024, the foregoing document was electronically filed with the Clerk of the Court using CM/ECF. I further certify that a copy of the foregoing motion was served by e-mail on the parties who receive electronic notice in these cases through the Court's ECF system.

By: /s/ Jamie A. Levitt  
Jamie A. Levitt